



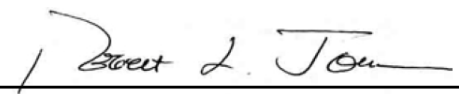
CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed July 2, 2024


United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

IN RE: MCCLAIN FEED YARD, INC., MCCLAIN FARMS, INC., AND 7M CATTLE FEEDERS, INC., Debtors. ¹	Chapter 7 CASE NO. 23-20084-rlj Jointly Administered
RABO AGRIFINANCE LLC, <i>Plaintiff,</i> v. ACEY LIVESTOCK, LLC et al., <i>Defendants.</i>	ADV. PROC. NO. 23-02005 Honorable Robert L. Jones

¹ The Debtors in these chapter 7 cases are: McClain Feed Yard, Inc. (Case No. 23-20084-RLJ), McClain Farms, Inc. (Case No. 23-20085-RLJ), and 7M Cattle Feeders, Inc. (Case No. 23-20086-RLJ).

ALTERNATIVE SCHEDULING ORDER²

Given the potential to expedite and economize the parties' and the Court's time and resources associated with this adversary proceeding, the Court elects to order a procedure for discovery, address dispositive motions in phases, and abate the prosecution of certain requests for declaratory relief until certain rulings and determinations have been made. The first phase shall address the applicability, if any, of the Dealer Trust Statute to the Estate Funds and to the Debtors' bankruptcy cases generally given the terms and date(s) of the Rabo Agrifinance LLC's ("RAF") loan documents and advancements and the applicability and validity, if any, of RAF's security interest in Debtor's Estate Funds(the "First Phase Issues"). The second phase shall address the

² The Defendants named in the Complaint are: ACEY LIVESTOCK, LLC; MICHAEL ACEY; STAN E. AYERS, JR.; ARNOLD BRAUN TRUST; ARNOLD BRAUN; ROBERT BRAUN; BAR D RANCH LAND & CATTLE LLC; N. TERRY DICKS; BARRETT'S LIVESTOCK INC.; DON RALPH BARRETT; BELLA ELEGANCE LLC; BIG SEVEN CAPITAL PARTNERS, LLC; DORA BLACKMAN; BRYAN BLACKMAN; EDDIE BRYANT; BRENT BURNETT; JOE BURNETT; TERRY BURNETT; BUSS FAMILY TRUST; EDWIN D. BUSS; DENNIS BUSS; C HEART RANCH, LLC; COLETTE LESH; CARRAWAY CATTLE, LLC; RICHARD CARRAWAY; CURTIS JONES FARMS; DAC83 LLC; ERIC DEJARNETT; DON JONES FARM, INC.; DON JONES TRUCKING, INC.; DUFURRENA CUTTING HORSES; EDWARD LEWIS DUFURRENA; RIETA MAY DUFURRENA; ROBERT ELLIS; MICHAEL EVANS; DOUG FINLEY; GARWOOD CATTLE CO.; JUSTIN GARWOOD; GENE BROOKSHIRE FAMILY, LP; JOEL BROOKSHIRE; GRAY BROTHERS CATTLE; ROBERT GRAY; RONNIE GRAY; JIMMY GREER; GUNGOLL CATTLE, LLC; BRADLEY GUNGOLL; LEAH GUNGOLL; JACE HARROLD; HINES CATTLE COMPANY, LLC; HINES FARMS, LLC; A.J. JACQUES LIVING TRUST; CORY JESKO; DWIGHT JESKO; JOANN & KEITH BROOKS d/b/a BROOKS FARMS; LARRY KEITH; DUSTIN JOHNSON; DAVID JOHNSON; KINSEY JONES; KINGDOM TRUST; JAMES MCCUAN; KEITH HARRIS; JANICE LAWHON; JAN LESH; MORRISON CAFÉ, LLC; LESH FAMILY TRUST; GARY LESH; JARED LESH; JORDAN LESH, LLC; LFC CATTLE; CHARLES LOCKWOOD; COLE LOCKWOOD; SHERLE LOCKWOOD; NIKKI LOCKWOOD; MAP ENTERPRISES; MIKE GOURLEY; NATALIE MARTUS; JEAN NIX; OPEN A ARENA LLC; BARRY PHILLIPS; DREW PHILLIPS; PRIEST CATTLE COMPANY LTD; PRIEST VICTORY INVESTMENT LLC; CHRISTOPHER PRINCE; PRODUCERS LIVESTOCK COMMISSION; SONNY BARTHOLD; DAVID RAINEY; RAPP RANCH; MARK J. REISZ; RALPH REISZ; RIDGEFIELD CAPITAL ASSET MANAGEMENT; JIM GIORDANA; RILEY LIVESTOCK, INC.; ANGIE ROBINSON; RICK RODGERS; STEVE RYAN; JIM RININGER; SCARLET & BLACK CATTLE, LLC; COLTON LONG; SCOTT LIVESTOCK COMPANY; SHAW & SHAW FARMS PARTNERSHIP LLC; THE UNIVERSITY OF FLORIDA; ROBERT J. SPRING; STARNES CATTLE; JEFF STARNES; EDDIE STEWART; ROBERT STEWART; RACHEL STEWART; SCOTT E. STEWARD; STEVE T SCOTT FARMS, INC.; JUSTIN STUEVER; PHILLIP SULLIVAN; AMY SUTTON, CRAIG SUTTON, TGF RANCH LLC; TOM FRITH; THORLAKSON DIAMOND T FEEDERS, L.P.; JOHN TIDWELL; MYKEL TIDWELL; TINDAL TRUCK SALES; JOHN TINDAL; JANET VANBUSKIRK; LYNDAL VANBURKIRK; SUSAN VANBUSKIRK; COLBY VANBUSKIRK; CAMERON WEDDINGTON; NANCY WEDDINGTON; WILLIAM WEDDINGTON; WILDFOREST CATTLE COMPANY LLC; WILEY ROBY RUSSELL, JR., as TRUSTEE OF THE W. ROBBIE RUSSELL LIVING TRUST; WJ PERFORMANCE HORSES, INC.; JOB WHITE; and KENT RIES, in his capacity as CHAPTER 7 TRUSTEE OF THE DEBTORS' CONSOLIDATED BANKRUPTCY ESTATE.

validity of the asserted Claims under the Dealer Trust Statute if the Dealer Trust Statute is determined to apply (the “Second Phase Issues”). The third phase – all remaining requests for declaratory relief sought by RAF – shall be abated until the First Phase Issues and Second Phase Issues have been determined (the “Abated Third Phase Issues”).³ The claims asserted by RAF in this Adversary Proceeding are limited solely to issues arising out of 7 U.S.C. § 217b (the “Dealer Trust Act”). Nothing in this Alternative Scheduling Order shall limit or prevent parties from seeking discovery or asserting claims regarding any other matter in the underlying bankruptcy or other suits.

The following actions shall be the Court’s Alternative Scheduling Order:⁴

First Phase Issues

September 27, 2024	Deadline for completion of all fact discovery related to the First Phase Issues.
October 4, 2024	Deadline for Plaintiff’s disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) related to the First Phase Issues.
November 1, 2024	Deadline for Defendants’ disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) related to the First Phase Issues.
December 12, 2024	Status Conference at 1:30 p.m. at /via WebEx. The meeting/dialin information for this docket can be found on the Court’s website (www.txnb.uscourts.gov) under Judge Jones Hearing dates and Calendar tab prior to the hearing.
December 13, 2024	Deadline for completion of all expert discovery related to the First Phase Issues.

³ It is anticipated the parties will submit a separate Alternative Scheduling Order related to the Abated Third Phase Issues after the First Phase Issues and Second Phase Issues have been determined and the abatement related to the Abated Third Phase Issues is lifted.

⁴ There is no express deadline for the filing of amended pleadings without leave given, among other reasons, the staggered structure of this proceeding and abatement of certain issues. The intent of this Scheduling Order is to allow for the prosecution of certain initial issues without prejudicing the rights of any parties to alleging additional claims or defenses. Any party may seek leave at any time to assert additional claims or defenses, and leave shall be freely given. Any party may seek to modify this Scheduling Order for cause.

January 10, 2025 Deadline to object to any other party's expert witnesses related to the First Phase Issue.

January 31, 2025 Deadline for motions for summary judgment or other dispositive motions related to the First Phase Issues.

Second Phase Issues

March 28, 2025 Deadline for completion of all fact discovery related to the Second Phase Issues. This Order does not prevent the parties from conducting discovery related to the Second Phase Issues during the discovery for the First Phase Issues.

April 18, 2025 Deadline for Plaintiff's disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) related to the Second Phase Issues.

May 16, 2025 Deadline for Defendants' disclosure of expert testimony pursuant to Fed. R. Civ. P. 26(a)(2) related to the Second Phase Issues.

June 28, 2025 Deadline for completion of all expert discovery related to the Second Phase Issues.

July 25, 2025 Deadline to object to any other party's expert witnesses related to the Second Phase Issue.

August 15, 2025 Deadline for motions for summary judgment or other dispositive motions related to the Second Phase Issues.

To be determined Within thirty (30) days of the Court's ruling on the First Phase Issues and, if necessary, the Second Phase Issues, the parties shall schedule a Joint Status / Scheduling Conference. At that time the parties will jointly submit or provide the Court with proposed Scheduling Order Deadlines for any remaining claims or issues related to the First Phase Issues and Second Phase Issues. It is anticipated that the proposed Scheduling Order Deadlines may include a Joint Pretrial Order in compliance with Local District Rule 16.4, a pretrial conference, a docket call, and trial date.

To be determined Deadline for written proposed Findings of Fact and Conclusions of Law and for trial briefs addressing contested issues of law related to the First Phase Issues and Second Phase Issues.

To be determined Pretrial Conference

To be determined Docket Call

To be determined

Trial before the Honorable Robert L. Jones at J. Marvin Jones
Federal Building, 205 Southeast Fifth Avenue, Amarillo, Texas.

END OF ORDER

Order submitted by:

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